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EXAMINER

PHAM, KHANH B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/678,039	Applicant(s) SOLIS ET AL.	
	Examiner Khanh B. Pham	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-13, 15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over United network for Organ Sharing “UNet User’s Manual”, hereinafter referred to as “**UNet**” and in view of “UNOS Organ Information Service”, hereinafter “**UNOS**” .

As per claim 1, UNet teaches an organ and tissue procurement system (page 1) comprising:

- “interface server means for storing and delivering user interface information procurement data accessible to authorized user over a wide area network” at pages 3-4;
- “database server means, in communication with said interface server means, for storing and delivering data related to donors and recipients of human organs and tissue” at pages 15-16 and 26;

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- “software means, in communication with said interface server means and said database server means, for enabling access to said data and said user interface information by said authorized users at pages 15-16;
- wherein said software means includes:
 - (a) “security means for determining whether one or more of said authorized users may modify said data” at page 7;
 - (b) “import means for receiving and tracking donor information from at least one external database and adding said donor information to said data” at pages 19, 29, and 52.

UNet does not explicitly teaches the database stores **“tissue data”** as claimed. However, UNOS teaches a similar system for Organ Information service, including a database for storing tissue data at page 30. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include “tissue data” in the UNet system so that information regarding “tissue data” would be available to person in need of tissue transplant.

As per claim 3, UNet and UNOS teach the system of claim 1 discussed above. UNOS also teaches: wherein “said external database is managed by an organ donation organization” at page 19.

As per claim 4, UNet and UNOS teach the system of claim 1 discussed above. UNOS also teaches: wherein “said data further includes information relating to transplant hospitals” at pages 30.

As per claim 5, UNet and UNOS teach the system of claim 1 discussed above. UNOS also teaches: wherein “said data further includes information relating to eyebanks at page 57.

As per claim 6 , UNet and UNOS teaches the system of claim 1 discussed above. UNOS also teaches: wherein “said data further includes information relating to tissue banks” page 57.

As per claim 7, UNet teaches an organ and tissue procurement system comprising:

- “software means residing on a computer server for communicating with a database management system corresponding to and operating upon one or more external databases and configured to create links between select fields of said external database” at pages 19, 55;
- “wherein said one or more external database store medical and social history and procurement information about a plurality of prospective donors under condition that allow salvage of tissue or organs from said prospective donors,

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and medical and social history information about a plurality of prospective recipients” at pages 65-66;

- “wherein said database management system communicates with said one or more external database to determine whether said donors data is stored in said one or more external database” at pages 19, 29;
- “wherein said database management system communicates with said one or more external database to determined whether any of said donor data corresponds to any of said recipient data sufficient to establish a preliminary match between said donor and said recipient data” at pages 25-27.

UNet does not explicitly teaches the database stores "tissue information" as claimed. However, UNOS teaches a similar system for Organ Information service, including a database for storing tissue data at page 30. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include "tissue data" in the UNet system so that information regarding "tissue data" would be available to person in need of tissue transplant.

As per claim 8, UNet and UNOS teach the system of claim 7 discussed above. UNOS also teaches: wherein “said software means includes means for prompting a user of said system to ask predetermined threshold questions about said prospective donor to establish whether said prospective donor may donate said tissue or organ” at page 58.

As per claim 9, UNet and UNOS teach the system of claim 7 discussed above. UNOS also teaches: wherein “said software means includes means for allowing a user of said system to determine whether said prospective donor has indicated an express intent to donate said tissue or organ” at page 58.

As per claim 10, UNet and UNOS teach the system of claim 7 discussed above. UNOS also teaches: wherein “each said one or more external database is maintained by an organization with which said prospective donor or said prospective recipient have a prior relationship, and wherein said database management system communicates with said one or more database over an electronic communication network” at page 29.

As per claim 11, UNet and UNOS teach the system of claim 10 discussed above. UNOS also teaches: wherein “said electronic communication network is the internet, and wherein said software means is enable for used over the WWW” at page 4.

As per claim 12, UNet and UNOS teach the system of claim 7 discussed above. UNOS also teaches: wherein “said one or more external database includes data sets which are pre-categorized into a plurality of predetermined organ histories” at page 56.

As per claim 13, UNet teaches a method for managing a procurement system for tissue and organs comprising:

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- “providing software means for communicating with a database management system corresponding to and operating upon one or more external databases and configured to create links between select fields of said one or more external database” at pages 19, 55;
- “storing medical and social history and procurement information about a plurality of prospective donors under conditions that would allow salvages of tissue or organs from said prospective donors” at pages 15-16;
- “storing medical and social history and procurement and tissue information about a plurality of prospective recipients” at page 26;
- “accessing said database management system to determine whether said donor data is stored in said one or more external databases, and if so, determining whether any of said donor data corresponds to any of said recipient data sufficient to establish a preliminary match between said donor data and said recipient data” at pages 25-26.

UNet does not explicitly teaches the database stores "tissue information" as claimed. However, UNOS teaches a similar system for Organ Information service, including a database for storing tissue data at page 30. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include "tissue data" in the UNet system so that information regarding "tissue data" would be available to person in need of tissue transplant.

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As per claims 15, 17, UNet teaches the system of claim 7, 13, wherein “said external database is managed by an organ donation organization” at page 19.

As per claim 18, UNet teaches an organ and tissue procurement system (page 1) comprising:

- “interface server configured to store and deliver user interface information procurement data accessible to authorized users over a wide area network” at pages 3-4;
- “database server in communication with said interface server that is configured to store and deliver data related to donors and recipients of human organs and tissue” at pages 15-16 and 26;
- “software in communication with the interface server and the database server that is configured to provide access to the data and the user interface information by the authorized users at pages 15-16;
- wherein said software includes:
 - (a) “security arrangement configured to determine whether one or more of said authorized users may modify said data” at page 7;
 - (b) “import arrangement configured to receive and track donor information from multiple external databases and adding said donor information to the data” at pages 19, 29, and 52.

UNet does not explicitly teaches the database stores **"tissue data"** as claimed. However, UNOS teaches a similar system for Organ Information service, including a

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database for storing tissue data at page 30. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include "tissue data" in the UNet system so that information regarding "tissue data" would be available to person in need of tissue transplant.

3. **Claims 2, 14, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over UNet and UNOS as applied to claims 1, 3-13, 15, 17 above, and further in view of Arnouse (US 2004/0255081 A1), herein after "Arnouse".

As per claims 2, 14, 16, UNet and UNOS teach the system and method of claims 1, 7 and 13 as discussed above. UNet and UNOS do not explicitly teach "managing said external database by an office of motor vehicles". However, it is inherently well known that most Department of Motor Vehicles (DMV) maintains a database of organ donor information. Arnouse teaches at paragraph [0125] that organ donor information can be obtained and stored in a databank of the DMV, which can be linked to hospitals. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Arnouse with Unet's system such that organ donor information is imported form DMV's databank, in order to "help hospital communicate faster and find organ matches faster in the event of sudden death", as suggested by Arnouse at [0125].

Response to Arguments

4. Applicant's arguments filed 9/25/2009 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Regarding claims 1, 7, 13, applicant argued that "in UNet there is no means for interacting with an external database". On the contrary, UNet clearly teaches at page 19 an interface for interacting with external databases maintained by other OPO (Organ Procurement Organization) to retrieve and import **donor records**.

Placement

Donors

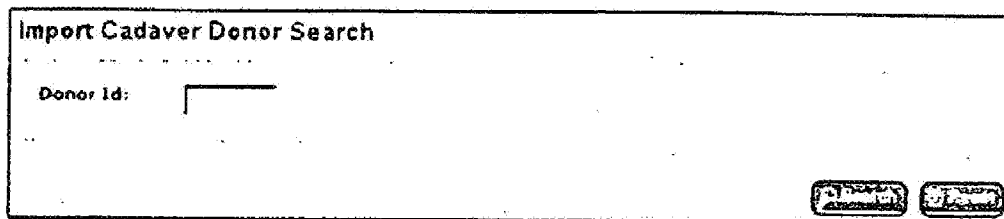
Accessing Imported Donors

When an OPO needs to run a match for a donor organ that was originally recovered by another OPO, the receiving OPO must first be given access to the donor by the originating OPO.

To access the imported donor record:

1. Begin your Placement session. (See *Beginning a Session in Placement*)

2. Click on the **Donors** button on the left menu. Then the **Import Donors** button. The Import Cadaver Donor Search screen is displayed.



Import Cadaver Donor Search

Donor Id:

3. Enter the **Donor ID** and click on the **Search** button.
4. The Cadaver Donor Page is displayed for the donor you specified. From the donor record, you may run a match and place the organ as described in the lesson for *Running a Match*. The match run is only accessible to the OPO who runs it.

Note: If you are unable to access the import donor record, contact the originating OPO to verify that Import Access has been given. (See *Giving Import Access to Another OPO* for more information)

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/
Primary Examiner
Art Unit 2166

December 31, 2009